

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

BH MEDIA GROUP, INC. et al

Plaintiffs,

v.

Civil Action No. 3:19-CV-692

HAROLD W. CLARKE

Defendant.

NON-JURY
INITIAL PRETRIAL ORDER

At a pretrial conference held on March 18, 2020, this action was **set for trial by the Court** on January 11, 2021, at 10:00 a.m.

1. The Scheduling Order and Pretrial Schedule A previously issued in this action shall remain in effect.

2. A **Final Pretrial Conference** will not be conducted at this time. Trial counsel shall present for entry a **Final Pretrial Order** setting forth: (A) a stipulation of undisputed facts; (B) a list and description of all exhibits, marked and consecutively numbered, intended to be offered by each party as to which there is no objection; (C) a list and description of all exhibits, marked and consecutively numbered, intended to be offered by each party as to which there are objections and a statement of the particular grounds for each objection; (D) a list of all discovery material

intended to be offered; (E) the names and addresses of all witnesses who will testify on behalf of each party and whether the witness will testify as a fact witness or as an expert witness; (F) the factual contentions of each party; and (G) the triable issues as contended by each party. All exhibits to which no objection is made shall be admitted without further order; provided, however, that any such exhibit not used in the trial shall be considered withdrawn and will not be part of the record. Objections to exhibits and designated discovery will be decided at the Final Pretrial Conference unless the volume of designated discovery requires consideration at a separate time in which event counsel shall be responsible for arranging another date for hearing on objections.

No witness, exhibit or discovery material not included in the Final Pretrial Order will be permitted to testify or be admitted at trial, except as to non-expert witnesses, exhibits or discovery material offered solely as rebuttal evidence or for impeachment.

It shall be the responsibility of counsel for plaintiff(s) to assemble and distribute to all other counsel a draft of the Final Pretrial Order in sufficient time to allow completion before the Final Pretrial Conference. Counsel shall resolve disagreements on the content of the Final Pretrial Order and shall present a clean final version thereof at the Final Pretrial Conference. Failure

to comply with the requirements of this paragraph may result on the imposition of sanctions pursuant to Fed. R. Civ. P. 16(f).

If no Final Pretrial Conference is to be held, the Final Pretrial Order shall be presented for entry by 5:00 p.m. two (2) business days before the commencement of trial.

The Clerk is directed to send a copy of this Order to all counsel of record.

It is so ORDERED.

/s/ *REP*
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: March 18, 2020